

Church-Cooper Amendment to the Foreign
Military Sales Act (H.R. 15628)

As of Senate adjournment 11 June 1970, the language of the so-called Church-Cooper amendment (section 7 of the bill) reads as follows (amendments to the amendment approved by the Senate 26 May 1970 and 11 June underscored):

"SEC. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"SEC. 47. Limitations on U.S. Involvement in Cambodia:
In concert with the declared objectives of the President of the
United States to avoid the involvement of the United States in
Cambodia after July 1, 1970, and to expedite the withdrawal of
American forces from Cambodia, it is hereby provided that
unless specifically authorized by law hereafter enacted, no funds
authorized or appropriated pursuant to this act or any other law
may be expended after July 1, 1970, for the purpose of--

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces:

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Nothing contained in this section shall be deemed to impugn
the constitutional power of the President as Commander in
Chief."

Excerpt from Senate Foreign Relations Committee
Report No. 91-865, pages 9 and 10, Explaining the
Purposes of the Church-Cooper Amendment

Section 7—Prohibition of assistance to Cambodia

The objective of this section is to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of U.S. forces from Vietnam. It is intended that the provision will insure both that U.S. forces are withdrawn from Cambodia and that our forces do not become involved in a war in behalf of Cambodia. In order to accomplish this the section prohibits use of any funds for certain specific purposes.

(1) It would prohibit use of appropriated funds to retain any U.S. forces in Cambodia. This provision will prevent the indefinite presence in Cambodia of U.S. forces in Vietnam which are now there to engage in actions against Vietcong and North Vietnamese forces and bases. The provision was drafted in keeping with the President's assurances to the Nation that the current operations involving U.S. forces are temporary and that U.S. forces will soon be withdrawn. This provision will say, by law, that the operation is temporary in nature and that U.S. forces shall not be sent again into action in Cambodia. This is also in accordance with the statement made by the President in his May 8 news conference " * * * that if the enemy does come back into those sanctuaries the next time the South Vietnamese will be strong enough and well trained enough to handle it alone."

This language would also prohibit the sending of U.S. personnel into Cambodia as advisers to South Vietnamese military units. If South Vietnamese troops either stay in Cambodia or leave and later return, as the President has indicated they may do, this provision will effectively prohibit any U.S. participation as advisors in those operations.

(2) Subparagraph (2) is designed to prevent (A) involvement by U.S. personnel, military or civilian, in combat activities in support of Cambodian forces, and (B) any U.S. personnel from providing military instruction to Cambodian military forces.

The President said on April 30 that. " * * * we shall do our best to provide the small arms and other equipment which the Cambodian army of 40,000 needs and can use for its defense." U.S. involvement in Vietnam began with an aid program. The sending of military advisers almost invariably follows, unless the military assistance is confined to the small arms which the President mentioned. Now that the decision has been taken to send weapons to Cambodian forces, unless Congress takes action, the sending of U.S. advisers could very well be the next fatal step into the Cambodian quicksand.

(3) Subparagraph (3) is intended to prohibit any U.S. financed contracts or agreements which provide for persons, other than American personnel, to engage in combat in support of Cambodian forces or to provide military instruction in Cambodia. It would prohibit the United States from doing indirectly what cannot be done directly because of the restriction in subparagraph 2. It would, for example, prevent the United States from paying for the services of mercenaries or others who, without this provision, could be brought in to aid the Cambodian forces.

(4) Finally, subparagraph (4) would prohibit financing with U.S. funds combat activity in the air above Cambodia in support of Cambodian forces

BEFORE CHANGES OF
23 JUNE 1970 TO
include passed
Byrd Amendment
#708.